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## California Code - Chapter 4: Powers and Duties of the Commission [66630. - 66648.]

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California Code - Chapter 4: Powers and Duties of the Commission [66630. - 66648.]

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## CAL. GOV. CODE § 66645 : California Code - Section 66645

### Search CAL. GOV. CODE § 66645 : California Code - Section 66645

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(a) In addition to the provisions of Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526 of the Public Resources Code, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

- (b) After one or more public hearings, and prior to January 1, 1979, the commission shall designate those specific locations within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, where the location of a facility, as defined in Section 25110 of the Public Resources Code, would be inconsistent with this title or Division 19 (commencing with Section 29000) of the Public Resources Code. The following locations, however, shall not be so designated: (1) any property of a utility that is used for such a facility or will be used for the reasonable expansion thereof; (2) any site for which a notice of intention to file an application for certification has been filed pursuant to Section 25502 of the Public Resources Code prior to January 1, 1978, and is subsequently approved pursuant to Section 22516 of the Public Resources Code; and (3) the area east of Collinsville Road that is designated for water-related industrial use on the Suisun Marsh Protection Plan Map. Each designation made pursuant to this section shall include a description of the boundaries of those locations, the provisions of this title or Division 19 (commencing with Section 29000) of the Public Resources Code with which they would be inconsistent, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 25309 of the Public Resources Code. The commission also shall request the assistance of the State Energy Resources Conservation and Development Commission in carrying out the requirements of this section. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission shall revise and update the designations specified in subdivision (b) not less than once every five years. The provisions of subdivision (b) shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed pursuant to Section 25502 of the Public Resources Code prior to designation of additional locations made by the commission pursuant to this subdivision.

➤ (d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the Suisun Marsh or the area of jurisdiction of the commission, the commission shall participate in those proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the Suisun Marsh or the area of jurisdiction of the commission. The commission shall analyze each notice of intention and, prior to commencement of the hearings conducted pursuant to Section 25513 of the Public Resources Code, shall forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, the following:

(1) If it is to be located within the Suisun Marsh, the consistency of the proposed site and related facilities, with the provisions of this title and Division 19 (commencing with Section 29000) of the Public Resources Code, the policies of the Suisun Marsh Protection Plan (as defined in Section 29113 of the Public Resources Code) and the certified local protection program (as defined in Section 29111 of the Public Resources Code) if any.

(2) If it is to be located within the area of jurisdiction of the commission, the consistency of the proposed site and related facilities with the provisions of this title and the San Francisco Bay Plan. \*

➤ (3) The degree to which the proposed site and related facilities could reasonably be modified so as to be consistent with this title, Division 19 (commencing with Section 29000) of the Public Resources Code, the Suisun Marsh Protection Plan, or the San Francisco Bay Plan. <

(4) Such other matters as the commission deems appropriate and necessary to carry out Division 19 (commencing with Section 29000) of the Public Resources Code.

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# California Proposition 19, Bonds for Fish and Wildlife Habitat (1984)

## From Ballotpedia

**California Proposition 19, or the Fish And Wildlife Habitat Enhancement Act Of 1984**, was on the June 5, 1984 statewide primary ballot in California as a legislatively-referred bond act, where it was approved.

- Yes: 3,132,792 (64.0%) ✓
- No: 1,762,407 (36.0%)

Proposition 19 provided \$35 million for the Wildlife Conservation Board and the State Coastal Conservancy for the acquisition, enhancement, and development of habitat areas.

## Contents

- 1 Fiscal impact
- 2 Path to the ballot
- 3 External links

## Fiscal impact

The fiscal estimate provided by the California Legislative Analyst's Office said:

Approval of this measure would affect state and local government finances in the following ways:

### 1. Cost of Paying Off the Bonds

The general obligation bonds authorized by this measure normally would be paid off over a period of up to 20 years. Under current law the state can sell bonds at any interest rate up to 11 percent.

Given current market conditions, the bonds probably would be sold at an interest rate of about 9 percent. If the full \$85 million in general obligation bonds were sold at a 9-percent interest rate and paid off over a 20-year period, the interest cost to the state would be approximately \$80.3 million. This cost would be more or less if the bonds were sold at interest rates above or below 9 percent. The cost of paying off the bonds would be paid from the State General Fund, using revenues received in future years.

### 2. Other Fiscal Effects

Generally, increased borrowing tends to increase interest costs. The state and local governments could incur higher costs under other bond finance programs if the bond sales authorized by this measure result in a higher overall interest rate on state and local bonds. These additional costs cannot be estimated.

The interest paid by the state on these bonds would be exempt from the state personal income tax. Therefore, to the extent that the bonds were purchased by California taxpayers in lieu of taxable investments, the state would experience a loss of income tax revenue. It is not possible, however, to estimate what this revenue loss would be.

To the extent that additional lands are acquired by the Wildlife Conservation Board, by the State Coastal Conservancy, and by local public agencies as a result of this measure, the agency responsible for managing these lands would incur additional costs. The amount of these operating and maintenance costs is unknown and would depend on how the acquired properties are managed.

To the extent that the state acquires privately owned lands under this measure, local governments would experience a reduction in property tax revenues. The size of this loss would depend on (a) the local property tax rate and (b) the assessed value of the lands acquired. Under existing law, state payments to school districts would increase automatically to cover the property tax revenue losses incurred by school districts, but no state payments would be made to cover the property tax losses experienced by other local entities.

## Path to the ballot

The California State Legislature voted to put Proposition 19 on the ballot via Senate Bill 512 (Statutes of 1984, Ch. 6).

## External links

- California Law Library. June 5 1984 ballot propositions (<http://www.lalawlibrary.org/research/ballots/1980/1984.aspx>)
- Hastings California I&R database (<http://library.uchastings.edu/library/california-research/ca-ballot-measures.html>)



*This California-related article is a stub. You can help people learn about California politics by expanding it ([http://www.ballotpedia.com/wiki/index.php?title=California\\_Proposition\\_19,\\_Bonds\\_for\\_Fish\\_and\\_Wildlife\\_Habitat\\_\(1984\)&action=edit](http://www.ballotpedia.com/wiki/index.php?title=California_Proposition_19,_Bonds_for_Fish_and_Wildlife_Habitat_(1984)&action=edit)).*

Retrieved from

"[http://ballotpedia.org/wiki/index.php/California\\_Proposition\\_19,\\_Bonds\\_for\\_Fish\\_and\\_Wildlife\\_Habitat\\_\(1984\)](http://ballotpedia.org/wiki/index.php/California_Proposition_19,_Bonds_for_Fish_and_Wildlife_Habitat_(1984))"

Categories: California stubs | California 1984 ballot measures | Bond issues, California | Bond issues, 1984 | Forests and parks, California | Forests and parks, 1984 | Environment, California | Environment, 1984 | Property, California | Property, 1990

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# DEPARTMENT OF FISH AND GAME

## Native Plant Conservation

The legal framework for conserving plants merits clarification due to the existence of an early state law protecting plants. The Native Plant Protection Act (NPPA) of 1977 (Fish and Game Code Section 1900-1913) directed the Department of Fish and Game (DFG) to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA gave the California Fish and Game Commission the power to designate native plants as "endangered" or "rare" and protected endangered and rare plants from take.

The California Endangered Species Act of 1984 (Fish and Game Code Section 2050-2116) expanded upon the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the Fish and Game Code. To align with Federal regulations, California Endangered Species Act (CESA) created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the Act as threatened species, but did not do so for rare plants. Thus, there are three listing categories for plants in California: rare, threatened, and endangered.

The Department requires a CESA Section 2081 (a) permit for take of candidate or listed threatened and endangered plants for scientific, educational, or management purposes, and a CESA Section 2081 (b) permit for incidental take of listed threatened and endangered plants from all activities, except those specifically authorized by the NPPA (see the specific list of exceptions in 1913 (a) and (b)). The Department considers the term "building site" in Section 1913(b) to mean work (e.g., landscaping or fire prevention measures) around an existing building.

Since rare plants are not included in CESA, mitigation measures for impacts to rare plants are specified in a formal agreement between the Department and the project proponent.

The Department's Wildlife and Habitat Data Analysis Branch maintains a "special plants" list consisting of approximately 2000 native plant species, subspecies, or varieties that are tracked by the Department's Natural Diversity Database (NDDDB). These plant taxa are either officially State or federally listed, proposed, or candidate species, or other species, subspecies, or varieties that are of concern due to reasons such as rarity, threats, or the species' close association with declining habitats, or for which more information is needed. Status and threat rankings are assigned to the plant taxa on the Special Plants List, which is available on the Department's web page.

The California Native Plant Society (CNPS) publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic versions. The Inventory assigns plants to the following categories:

1.
  - A. Presumed extinct in California
  - B. Rare or endangered in California and elsewhere
2. Rare or endangered in California, more common elsewhere
3. Plants for which more information is needed
4. Plants of limited distribution.

Additional rarity, endangerment, and distribution codes are assigned to each taxa.

Plants on Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing, and the Department recommends they be addressed in CEQA projects (CEQA Guidelines Section 15380). However, a plant need not be in the Inventory to be considered a rare, threatened, or endangered species under CEQA. In addition, the DFG recommends, and local governments may require, protection of plants which are regionally significant, such as locally rare species, disjunct populations of more common plants, or plants on the CNPS Lists 3 and 4.

To guide documentation of potential impacts to plants, the DFG has adopted Guidelines for Assessing the Effects of Proposed Projects on Rare and Endangered Plants and Natural Communities. These guidelines are available on the Department's web page, and are provided to all project proponents, lead agencies, and the interested public when they request Department participation or information.

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RESOURCE MANAGEMENT  
BUILDING DIVISION

FEB 28 2012

RECEIVED BY

**WILLIAM S. REUSTLE**

Attorney &amp; Counselor at Law

Notary Public

609 Jefferson Street, Suite "G-1"  
Fairfield, CA 94533

Tele: (707) 427-1662

**Received**

FEB 28 2012

**Solano County  
Board of Supervisors**

FAX: (707) 427-2262

Monday, February 27, 2012

Local Task Force for Integrated Waste Management  
675 Texas Street, 5<sup>th</sup>. Floor  
Fairfield, CA 94533

RE: June Guidotti facility

Dear Chairperson Dunbar:

Mrs. June Guidotti, once again, objects to the siting element as written. Please refer to my letters of 12/1/2010 and 2/12/2010.

Please make the corrections to include the demonstration project for a waste to energy plant to be sited upon the Guidotti property as was originally required in the Solano Garbage Company Permit in 1984, and which has been continued to this day. Although this was a condition to obtain the permit, such a project never materialized: why should they? They had their permit, which was all they wanted anyway.

Mrs. Guidotti wants to take this opportunity to get her long-stalled project realized. This is a superior location to others proposed. Mrs. Guidotti reserves the right to supplement or modify this objection as conditions necessitate.

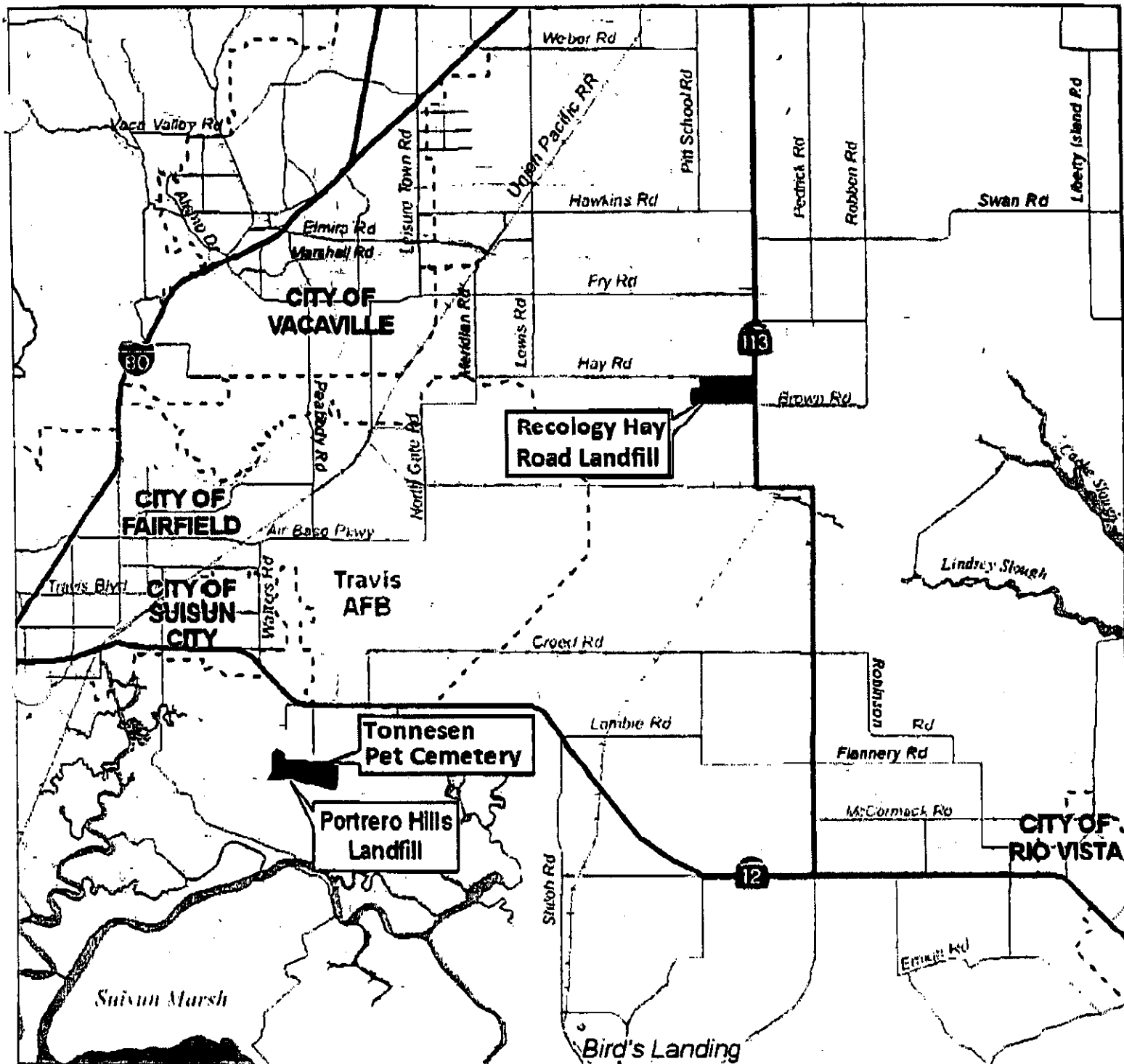
Sincerely,

  
WILLIAM S. REUSTLEcc:  
Narcisa Untal, Resource Management  
County Counsel Office  
Office of CA Attorney General  
Integrated Waste Management Board  
Sierra Club  
BCDC  
US Army Corps of Engineers  
CA Fish & Wildlife  
AQMD**RECEIVED**

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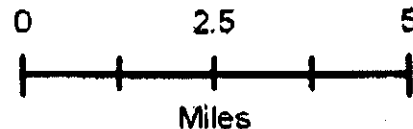
**SOLANO  
COUNTY COUNSEL**





### Legend

■ Solid Waste Facilities



**William S. Reustle**

Attorney & Counselor at Law  
609 Jefferson Street, Suite "G-1"  
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Tele: (707) 427-1662

FAX: (707) 427-2262

**Received**

FEB 28 2012

**Solano County  
Board of Supervisors**

Monday, February 27, 2012

Solano County Board of Supervisors  
Fairfield, CA 94533

RE: Meeting of February 28, 2012  
Proposed Revision General Plan and changes to zoning..

Members of the Board :

Mrs. June Guidotti, as a property owner who lives directly adjacent to the Potrero Hills Landfill in Solano County, objects to the referenced proposed revisions to the extent that they continue to fail to recognize her previously approved waste to energy plant which is a superior alternative. This should be added prior to your approval.

Further, the Tonnesen Pet Cemetery cannot be added as a solid waste facility as the Marsh Protection Plan prohibits additional solid waste facilities.

The designation "A-SM-160" on table LU-7 is inappropriate as it is a designation that is not yet defined and made in anticipation of some future actions which may or may not happen.


As to both proposed revisions my client alleges that such changes will add to the trespass upon her property, and her person, in the forms of odor, dust, soils, leachate, rodents, insects and litter. No new roads may be added in the area of the Suisun Marsh (MPP). These problems already are a great burden on her, her family and their land. Proposed changes will greatly increase damages.

We believe there should be an EIR to comply with CEQA due to the potential adverse effects upon the waters of Spring Creek as well as the surrounding wells and, in particular, the cumulative effects to the already impaired health of the Suisun Marsh. There must be CEQA review of any potential adverse effects upon the sensitive area serving the waters of San Francisco Bay Estuary to include review of other alternatives. There must be consensus by the Regional Water Quality Board, California Fish and Game, and other responsible agencies.

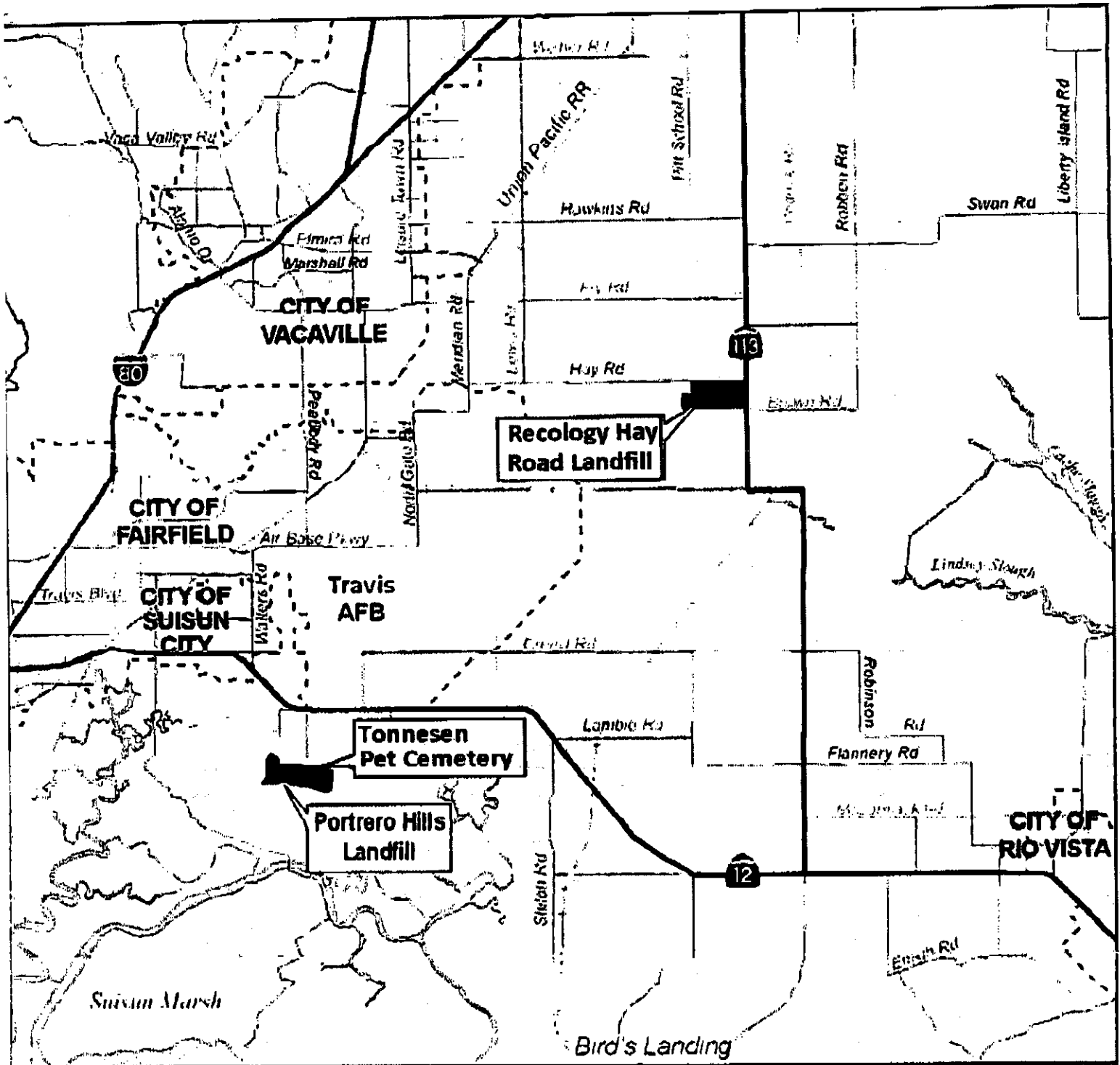
Solano County Measure "E" as passed by our voters continues to be ignored even as it remains the law of the land. These revisions should adhere to Measure "E".

Mrs. Guidotti reserves the right to supplement or modify this objection as conditions necessitate.

Sincerely,

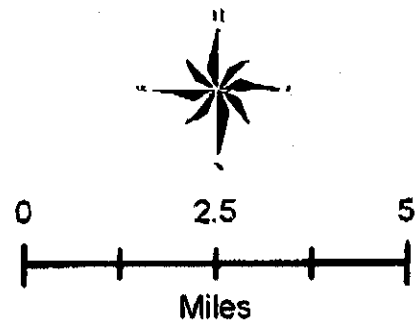


William S. Reustle



## Legend

■ Solid Waste Facilities



Docket Number

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Source: Legal &gt; /.../ &gt; CA - Deering's California Codes Annotated

TOC: Deering's California Code Annotated &gt; /.../ &gt; Chapter 4. Powers and Duties of the Commission &gt; § 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition

Terms: 66646. Construction of new or expanded thermal electric generating plants within suisun marsh; condition  
Cal Gov Code § 66646

Retrieve State Legislative Impact@

Practitioner's Toolbox

DEERING'S CALIFORNIA CODES ANNOTATED

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History

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\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*  
THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH.6 AND  
CH.3 OF THE 2008 REGULAR SESSION APPROVED 3/26/08 

## GOVERNMENT CODE

Title 7.2. San Francisco Bay Conservation and Development Commission  
Chapter 4. Powers and Duties of the CommissionGO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 66646 (2007)

> § 66646. Construction of new or expanded thermal electric generating plants within Suisun--  
Marsh; Condition

Notwithstanding any other provision of this title, except subdivisions (b) and (c) of Section 66645, and notwithstanding any provision of Division 19 (commencing with Section 29000) of the Public Resources Code, new or expanded thermal electric generating plants may be constructed within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, if the proposed site has been determined, pursuant to the provisions of Section 25516.1 of the Public Resources Code, by the State Energy Resources Conservation and Development Commission to have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516 of the Public Resources Code.

## History:

Added Stats 1977 ch 1155 § 3.5.

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San Francisco County  
Resource Management

## Hierarchy Notes:

Tit. 7.2 Note

Tit. 7.2, Ch. 4 Note

Public Resource Code  
Section

25500 - 25543

RESOURCE MANAGEMENT  
BUILDING DIVISION

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*L. M. M. M.*

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MAY 20 2010

COUNTY OF SOLANO  
RESOURCE MANAGEMENT  
*RMS*

October 30, 1976

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JAN 30 2012

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

Mr. Frank Ottolini  
Solano Garbage Company  
537 Jackson Street  
Fairfield, Ca 94533

Dear Frank:

I contacted MCDC concerning the Bonnici property to determine whether it is within their jurisdiction.

It is not, however he points out that the site is within the "buffer zone" as outlined in the Suisun Marsh legislation adopted by the State Legislature. I am enclosing a copy of Alan Pendleton's letter.

As you know, as a member of the Solid Waste Study Committee, that area is to be a major waste disposal area. I believe it can be worked out.

Sincerely yours,

F. R. MURKIN  
Industrial Development Consultant

FRM:ps  
encl.

RECEIVED

**WILLIAM S. REUSTLE**

Attorney &amp; Counselor at Law

Notary Public

809 Jefferson Street, Suite "G-1"

Fairfield, CA 94533

JAN 30 2012

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

Tele: (707) 427-1862

FAX: (707) 427-2282

Friday, February 12, 2010

Local Task Force for Integrated Waste Management  
675 Texas Street, 5<sup>th</sup> Floor  
Fairfield, CA 94533

RE: June Guidotti facility

Dear Chairperson Bogner:

We note that the task force Siting Element has once again neglected to include June Guidotti's proposed waste to energy conversion facility. This is unfortunate.

You should be aware that Ms. Guidotti applied on August 24, 2007, for a permit for a research study to be sited on her property adjacent to the Potrero Hills Landfill. This site was a *required element* included and identified in the permit process for Solano Garbage Company as long ago as 1984. Although Solano Garbage never followed through with that requirement once their permit was granted. I refer you to Solano Garbage Company Landfill EIR dated January, 1993, Page 3-27 (5) Bonnici Project which is attached hereto for your convenience. Now that Solano Garbage Company's name is being removed from the paperwork designations it is imperative that June Guidotti's portion should not simply perish as well. This is still a viable project that should be allowed to go forward as an environmental improvement to the entire area.

Please see to it that this project is included in the Countywide Integrated Waste Management Plan. If there are any other requirements that should be followed up, please so advise.

Further, please see to it that June Guidotti at 3703 Scally Road, Suisun, CA 94585 is included in the mailing list for all LTF activities, meetings, and actions as she desires to follow through on the activities that affect her property and property value.

Sincerely,

WILLIAM S. REUSTLE

**RECEIVED**

JAN 30 2012

COUNTY OF SOLANO  
RESOURCE MANAGEMENT**WILLIAMS S. REUSILE**Attorney & Counselor at Law  
609 Jefferson Street, Suite "G-1"  
Fairfield, CA 94533

FAX: (707) 427-2262

Tele: (707) 427-1002

Wednesday, December 01, 2010

Solano County Resource Management  
Attn: Narcisa Untal

RE: Countywide Siting Element

Gentlemen:

On behalf of Mrs. June Guidotti, a Solano County resident with substantial property in the Suisun Marsh buffer zone. My client is deeply concerned about the proposed changes in the Countywide Siting Element.

It is noted that the Figure IV-2 was referenced on pages 11 and 15 but that figure was not included in the package as disseminated. The triangle was shown on the Griffith Ranch (representing a solid waste facility) whereas it should be indicated near the flare on the phase one PHL site.

Mrs. Guidotti requests that her proposed thermal electric transformation plant as proposed be included in the new siting element as previously requested in public hearing on June 17, 2010. It is contended that this plant is of greater merit than any other proposed plants, ie. Solano Garbage Co., Potrero Hills, Tonnesen. Environmental considerations promote the conversion project as a way to efficiently eliminate much of the materials that otherwise simply adds bulk to the land-fill. This problem can be minimized by converting biomass to electrical energy, a very 'green' concept. Mrs. Guidotti would entertain locating a test facility on her lands to scientifically determine the feasibility of such operations.

Objection is hereby made as to permitting of the Tonnesen Pet Cemetery. This project was allowed to proceed in violation of existing requirements based on a faulty LEA Advisory No. 12. That advisory was rescinded in 2004. Thereafter the facility has operated sans permit in what can only be described as an illegal operation. Suisun Marsh must be protected and this operation has the potential to denigrate water quality and to contaminate marsh lands with runoff. My client is concerned that any contemplated changes to the Tonnesen operation could allow an expansion of activities, including incineration, contrary to the original 'permit' and the Marsh Protection Plan. If the operation is transferred to the ten-foot contour line, as shown on Figure VI-1, further damages are likely to the Suisun Marsh and surrounding lands. Leakage from the site is not adequately monitored for temperature or water quality or soil contamination. CEQA

requirements have not been met. There is no EIR. Furthermore, page 23, Chapter 5 of the Preliminary draft specifies that "new or expanded solid waste disposal sites shall be located further than 10,000 feet from airport runways" .... Mrs. Guidotti questions the location of the Tonnesen facility as being too close to the Travis AFB runway.

Recent events affect seriously the need for some of the proposed changes. The May 12, 2010, court decision that Measure E *must* be enforced by the county has a major effect on the Potrero Hills Landfill. The siting plan document assumes approval of the PHL expansion which is very much in doubt. No new roads should be allowed, even calling them 'fire roads' does not abrogate the need to maintain the Marsh in a pristine state.

A study should be undertaken to fully explore the alternatives before locking in a Plan that does not address my client's vested rights or the best interests of the public. Attached hereto is a copy of a portion of the official Solano County map showing the Guidotti property designated as a solid waste facility.

Mrs. Guidotti reserves the right to amend or supplement the public record on these matters.

Sincerely,

WILLIAM S. REUSTLE

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JAN 30 2012

COUNTY OF SOLANO  
RESOURCE MANAGEMENT



# onecle



## Court Opinions

US Supreme Court  
US Tax Court  
Board of Patent Appeals

## California Public Resources Code Section 25516.1

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## State Laws

Alabama  
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Michigan  
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New York  
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Oregon  
Pennsylvania  
Texas  
Virginia  
Washington

If a site and related facility found to be acceptable by the commission pursuant to Section 25516 is located in the coastal zone, the Suisun Marsh, or the jurisdiction of the San Francisco Bay Conservation and Development Commission, no application for certification may be filed pursuant to Section 25519 unless the commission has determined, pursuant to Section 25514, that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516.

Section: [Previous](#) [25513](#) [25513.3](#) [25514](#) [25514.3](#) [25514.5](#) [25515](#) [25516](#) [25516.1](#) [25516.5](#) [25516.6](#) [25517](#) [25518](#) [25518.5](#) [25519](#) [25520](#) [Next](#)

*Last modified: January 15, 2011*

## US Code

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27 USC - Intoxicating Liquors  
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29 USC - Labor  
30 USC - Mineral Lands  
31 USC - Money and Finance



### Making Smart Financial Decisions

December 22, 2011

Ms. June Guidotti  
3703 Scally Road  
Suisun, California 94585

**SUBJECT:** November 26, 2011 Appeal of Revisions to Solid Waste Facility Permit No. 48-AA-0075 (Potrero Hills Landfill), and Permit No. 48-AA-084 (Potrero Hills Compostable Material Handling Facility) and issues relating to Permit No. 3-10m (Potrero Hills Landfill, Solano County Land Use Permit No. U-88-33, Marsh Development Permit No. MD-88-09 Revision No. 2), and enforcement files ER 2007.029 and ER 2008.010

Dear Ms. Guidotti:

This letter responds to your letter and appeal dated November 25, 2011 and received in our office on November 26, 2011, regarding revisions to Solid Waste Facility Permit No. 48-AA-0075 (Potrero Hills Landfill), and Permit No. 48-AA-084, (Potrero Hills Compostable Material Handling Facility). These matters were considered at an information hearing before the Solano County Solid Waste Local Enforcement Agency (LEA) on November 2, 2011.

The Suisun Marsh Preservation Act at Public Resources Code § 29503(d) and (e), and BCDC regulations at 14 CCR §§ 11440-11452, provide for the appeal of local government marsh development permits within the secondary management area to the Commission. Appeals must be filed within the 20<sup>th</sup> working day after receipt of the notice of final local action (14 CCR § 11440(b)(2)). If the appeal does not meet the requirements for filing or involves a non-appealable matter, BCDC must respond within 30 days with the reasons why the appeal cannot be filed (14 CCR § 11440(d)).

We have determined that your appeal of revisions to Solid Waste Facility Permit No. 48-AA-0075, Potrero Hills Landfill, and the Compostable Materials Handling Facility, Permit No. 48-AA-084, Potrero Hills Compostable Material Handling Facility by the Solano County LEA cannot be filed because it involves a non-appealable matter. Solid Waste Facility Permits and Compostable Materials Handling Permits issued by the County LEA are not marsh development permits and therefore are not appealable to BCDC.

Your letter also alleges several enforcement issues which BCDC staff will investigate.

- There is no marsh development permit for a 22-acre composting facility at the Potrero Hills Landfill.
- There is no marsh development permit for the access road to the Potrero Hills Landfill.
- There is no marsh development permit for a rental house on the Lois Tonnerson property.

BCDC enforcement staff will contact you after we have conducted an investigation of these facilities to determine if they are properly permitted under the Suisun Marsh Preservation Act.

Sincerely,

SUSAN MOFFAT  
Coastal Permit Analyst

SM/ra

**TO: June Guidotti**  
**FROM: Jessica Davenport**  
**DATE: March 1, 2012**  
**VIA FAX: 707-429-5054**

**66646. Construction of New or Expanded Thermal Electric Generating Plants Within Suisun Marsh; Condition.**

Notwithstanding any other provision of this title, except subdivisions (b) and (c) of Section 66645, and notwithstanding any provision of Division 19 (commencing with Section 29000) of the Public Resources Code, new or expanded thermal electric generating plants may be constructed within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, if the proposed site has been determined, pursuant to the provisions of Section 25516.1 of the Public Resources Code, by the State Energy Resources Conservation and Development Commission to have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516 of the Public Resources Code.

# State, Solano OK expansion of Potrero Hills

By DAVID DeBOLT  
DAILY REPUBLIC

**FAIRFIELD** — Potrero Hills Landfill can expand and build a composting facility under two permits issued recently, though a lawsuit over a previous permit looms.

The California Department of Resources Recycling and Recovery and Solano County each signed off on the permits over the past month. One allows for the dump south of Suisun City to build a 22-acre composting facility on existing landfill space. The facility is not expected to change the hours of operations, tonnage or traffic volume, according to officials.

A second permit allows the landfill to increase the

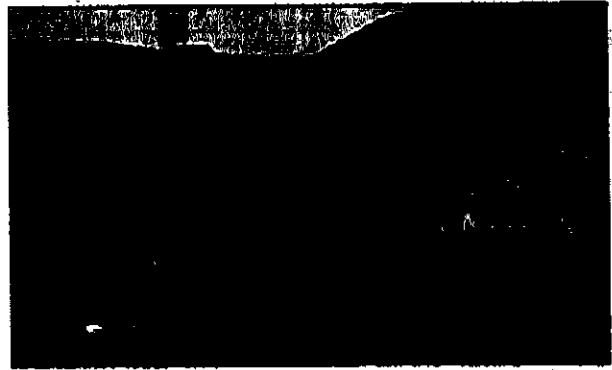
Opponents of the landfill expansion say it flies in the face of Measure E, a county initiative approved by voters in 1984 that limits trash importation.

height limit from 320 feet to 345 feet and expand the landfill from 320 acres to 340 acres. The capacity of the landfill increases from 21.5 million cubic yards to 83.1 million cubic yards, under the permit. More space means a longer life for the landfill.

Potrero Hills serves Fairfield, Suisun City and

See Potrero, Page A10

A10 Thursday, February 23, 2012 — DAILY REPUBLIC



Brad Zweerink/Daily Republic file (2009).

Bulldozers move trash at the Potrero Hills Landfill.

## Potrero: Expansion

From Page One

various communities in other counties.

Opponents of the Potrero Hills Landfill expansion say it flies in the face of Measure E, a Solano County initiative approved by voters in 1984. Measure E limits garbage importation from other counties to 95,000 tons annually, but the county stopped enforcing the measure in the 1990s after county lawyers said it was likely unconstitutional. The issue was brought back to life in 2005 when the Board of Supervisors voted to expand the landfill.

A series of lawsuits were subsequently filed by

opponents. One of the lawsuits is set to be heard March 14 in San Francisco Superior Court. Judge Harold Kahn will hear arguments on a lawsuit challenging the San Francisco Bay Conservation and Development Commission's approved marsh development permit.

The hearing was set for today but was delayed, according to Kelly Smith, the attorney for the Sustainability, Parks, Recycling and Wildlife Legal Defense Fund.

Jim Dunbar of Potrero Hills Landfill was not available for comment.

Reach David DeBolt at 427-6935 or ddebolt@dailyrepublic.net.

**Received**

FEB 28 2012

**William S. Reustle**

Attorney & Counselor at Law  
609 Jefferson Street, Suite "G-1"  
Fairfield, CA 94533

**Solano County  
Board of Supervisors**

Tele: (707) 427-1662

FAX: (707) 427-2262

Monday, February 27, 2012

Solano County Board of Supervisors  
Fairfield, CA 94533

RE: Meeting of February 28, 2012  
Proposed Revision General Plan and changes to zoning..

Members of the Board :

Mrs. June Guidotti, as a property owner who lives directly adjacent to the Potrero Hills Landfill in Solano County, objects to the referenced proposed revisions to the extent that they continue to fail to recognize her previously approved waste to energy plant which is a superior alternative. This should be added prior to your approval.

Further, the Tonnesen Pet Cemetery cannot be added as a solid waste facility as the Marsh Protection Plan prohibits additional solid waste facilities.

The designation "A-SM-160" on table LU-7 is inappropriate as it is a designation that is not yet defined and made in anticipation of some future actions which may or may not happen.

As to both proposed revisions my client alleges that such changes will add to the trespass upon her property, and her person, in the forms of odor, dust, soils, leachate, rodents, insects and litter. No new roads may be added in the area of the Suisun Marsh (MPP). These problems already are a great burden on her, her family and their land. Proposed changes will greatly increase damages.

We believe there should be an EIR to comply with CEQA due to the potential adverse effects upon the waters of Spring Creek as well as the surrounding wells and, in particular, the cumulative effects to the already impaired health of the Suisun Marsh. There must be CEQA review of any potential adverse effects upon the sensitive area serving the waters of San Francisco Bay Estuary to include review of other alternatives. There must be consensus by the Regional Water Quality Board, California Fish and Game, and other responsible agencies.

Solano County Measure "E" as passed by our voters continues to be ignored even as it remains the law of the land. These revisions should adhere to Measure "E".

Mrs. Guidotti reserves the right to supplement or modify this objection as conditions necessitate.

Sincerely,



William S. Reustle

**Table W-7**  
**General Plan/Zoning Consistency Table**

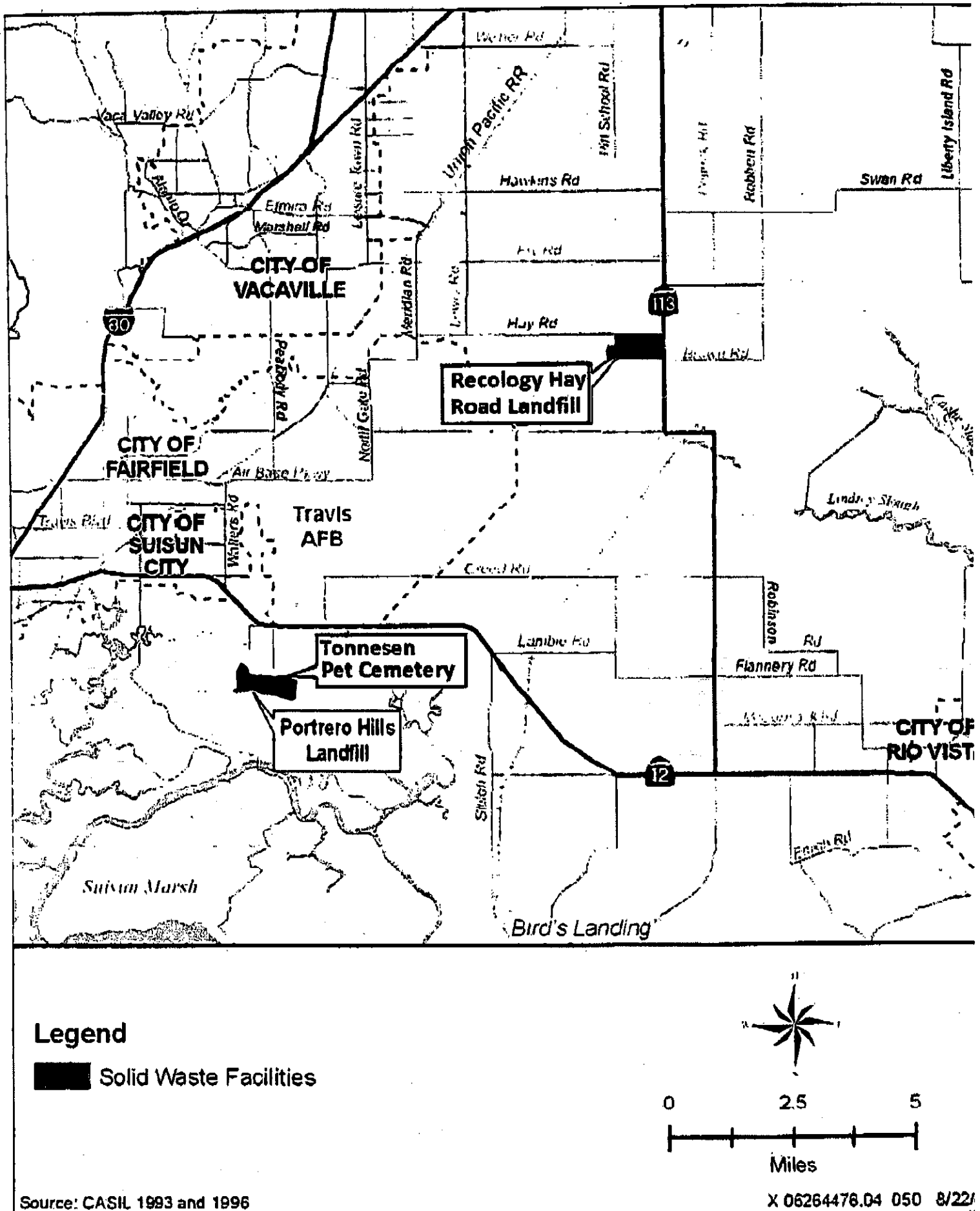
[illegible]

- ☒ Zoning is consistent with the General Plan.
- ☐ Zoning is consistent if proposed use is found to be consistent with the goals, policies and programs of the General Plan.
- ☐ Consistent, where proposed use is a beneficial use in specified areas.

New Directors

- Rising - Traditional Community
- Rising - Traditional Community Without Us
- Neighborhood Community - Ignited the Tourist Center
- Community Revolution

New Overlay District  
RC-O - Resource Conservation Overlay District  
H-O - Historic Overlay District



Docket Number

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Source: Legal &gt; /.../ &gt; CA - Deering's California Codes Annotated

TOC: Deering's California Code Annotated &gt; /.../ &gt; Chapter 4. Powers and Duties of the Commission &gt; § 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; Condition

Terms: 66646. Construction of new or expanded thermal electric generating plants within Suisun Marsh; condition  
Cal Gov Code § 66646

Retrieve State Legislative Impact®

Practitioner's Toolbox

DEERING'S CALIFORNIA CODES ANNOTATED

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History

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\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*  
THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH.6 AND  
CH.3 OF THE 2008 REGULAR SESSION APPROVED 3/26/08

## GOVERNMENT CODE

Title 7.2. San Francisco Bay Conservation and Development Commission  
Chapter 4. Powers and Duties of the CommissionGO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 66646 (2007)

&gt; § 66646. Construction of new or expanded thermal electric generating plants within Suisun - Marsh; Condition

Notwithstanding any other provision of this title, except subdivisions (b) and (c) of Section 66645, and notwithstanding any provision of Division 19 (commencing with Section 29000) of the Public Resources Code, new or expanded thermal electric generating plants may be constructed within the Suisun Marsh, as defined in Section 29101 of the Public Resources Code, or the area of jurisdiction of the commission, if the proposed site has been determined, pursuant to the provisions of Section 25516.1 of the Public Resources Code, by the State Energy Resources Conservation and Development Commission to have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516 of the Public Resources Code.

## History:

Added Stats 1977 ch 1155 § 3.5.

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SOLANO COUNTY  
MANAGEMENT

## Hierarchy Notes:

Tit. 7.2 Note

Tit. 7.2, Ch. 4 Note

Public Resource Code  
Section

25500 - 25543

RESOURCE MANAGEMENT  
BUILDING DIVISION

JUL 21 2011

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4 of 6 pages